

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 25

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

EUGENE S. GRIGGS, JR., AND JOANNE HAYES

Junior Party,
(Application 08/585,485)¹

v.

HOWARD L ROSE

Senior Party.
(Patent No. 5,492,077)²

Patent Interference No. 103,729

Before Schafer, Lee and Torczon, Administrative Patent Judges.

PER CURIUM.

Judgment

A paper entitled "CONCESSION OF PRIORITY," signed by the senior party Howard Rose, and senior party's lead counsel,

¹ Filed January 16, 1996.

² Filed March 23, 1995.

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Alvin Blum, has been received.³ (Paper No. 13). Despite the caption on the paper's top left hand corner indicating that the paper is filed by junior party's counsel for the junior party, it is apparent that it is the senior party, Howard Rose, who is conceding priority, based on the signatures on the paper.

The paper states that the senior party Howard Rose consents to entry of adverse judgment under 37 CFR § 1.662. Accordingly, based on the concession of priority and consent to entry of adverse judgment, it is

ORDERED that judgment as to the subject matter of the sole count is awarded in favor of junior party Griggs and against senior party Rose;

ORDERED that Howard Rose is not entitled to his patent claims 1-17 which correspond to the count;

ORDERED that on this record, Eugene S. Griggs, Jr., and Joanne Hayes are entitled to their application claims 1-6, 8-9, 11, 13-18, 21-26, and 29-31, which correspond to the count; and

³ The paper is not accompanied by any certificate of service.

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FURTHER ORDERED that on this record, Eugene S. Griggs, Jr., and Joanne Hayes are not entitled to their application claims 19-20 and 27-28, even though they correspond to the count, because these claims have been indicated by the examiner as unpatentable.

Richard E. Schafer)
Administrative Patent Judge)
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_____)
Jameson Lee)
Administrative Patent Judge)
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_____)
Richard Torczon)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

Interference No. 103,729
Griggs v. Rose

By Facsimile and First Class Mail

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